

### REMARKS

Applicant has reviewed and considered the Office action dated April 8, 2003. Claim 8 is amended, claims 20 and 21 are canceled, and a new claim 22 is added, no new matters add in this amendment.

Claims 8, 20, 21 are rejected under 35 U.S.C 103(a) as being unpatentable over Moskowitz (5638638) or Gautrot (French 2310695) in view of Worrell (4059920).

The reason of the rejections is "All the reference shows at least one leg build into the pot body at a first end". But Examiner did not responded Applicant's question: Are they all the same ? Moskowitz and Gautrot has same "concept of having extending legs from the bottom of a pot" with Shackelford. Shall Moskowitz and Gautrot's patent being withdrawn ? ( Examiner said "..... all reference shows .....). But Applicant believed they are all different even if they are all have the same concept.

Claim 8 has been amended and Applicant respectfully traverses the rejection.

Claim 8 recites a plant pot with at least three leg and a tray, the legs connected to the pot separately and stand in the tray by themselves, so that, air flow under the pot thoroughly and roots almost can not grow down to water level. Moskowitz disclosed "..... the three legs arrayed in the shape of a Y and provide an interconnected chamber for plant roots grow therein". The problems are: 1. air flows under pot does not well; 2. roots grow down to the tray level and will be damaged by water. Gautrot's pot can not stand in a tray by itself and without bottom wall of the leg, also, the concept of the leg is the same with Shackelford. In present invention, the pot apparatus having no such above problems. Clearly, present invention is patentable over Moskowitz and Gautrot.

Claim 22 recites a plurality of pot sits in a tray, each pot has at least one leg and builds into the pot bottom. Either Moskowitz, Gautrot or Shackelford does not claimed so. So that, claim 22 is patentable over above references.

In view of the above, it is respectfully submitted that the application is in a condition for allowance. Reconsideration of the application and a favorable response are respectfully requested.

### **RESPONSE TO EXAMINER'S ARGUMENTS**

Examiner said: ".....test is what the combined teachings of the references would have suggested to those of ordinary skill in the art." Applicant thinks it is depends on how wide the scoop being used. If Examiner use "leg with water absorbing material" concept, all "self-watering apparatus" patents should not been issued except Hall's (Eliza Hall, England, 1912, Patent # 22647, Applicant saw this patent as the earliest issue). For another example, Applicant belived there are over hundreds computer patents issued in this world, if Examiner set a scoop on the computer basic concept "0 and 1", all other computer patents should not be issued except the first one.

Examiner said: ".....conclusion.....is based upon improper hindsight reasoning, .....necessarily a reconstruction....." Applicant remembers the application had been reconstructed on October 7, 1998 by patent attorney, Amy Xu.

Examiner said: ".....obviousness can only be established by combining..... found.....references....." Applicant thinks it is depend on how does the Examiner combines the references. For example, in Hall's patent (Eliza, Patent # 22647), if the fasle bottom ( plate/ leg ) combined with a side wall which all pot have it, the combination becomes a legged pot, and the patents those issued to Moskowitz,

Gautrot, Shackelford and so on have to be withdrawn.

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Respectfully submitted

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Date: June 25, 2003

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3-38.3

Eliza Hall,  
N. 22647  
1912  
(1 SHEET)

A.D. 1912. OCT. 4. N. 22,647.  
HALL'S COMPLETE SPECIFICATION.

[This Drawing is a reproduction of the Original on a reduced scale.]

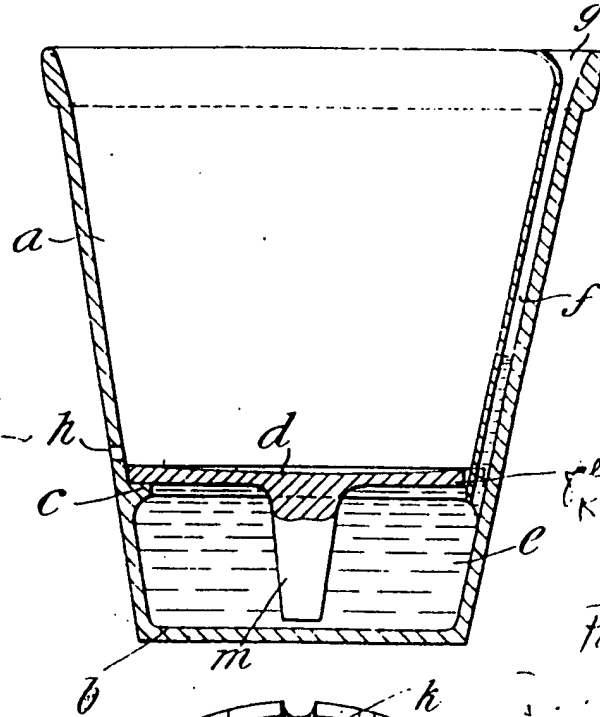


Fig. 1.

glass bottom with  
Knob & K

For use

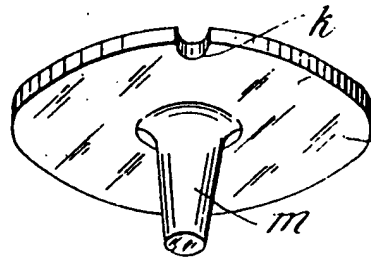


Fig. 2.

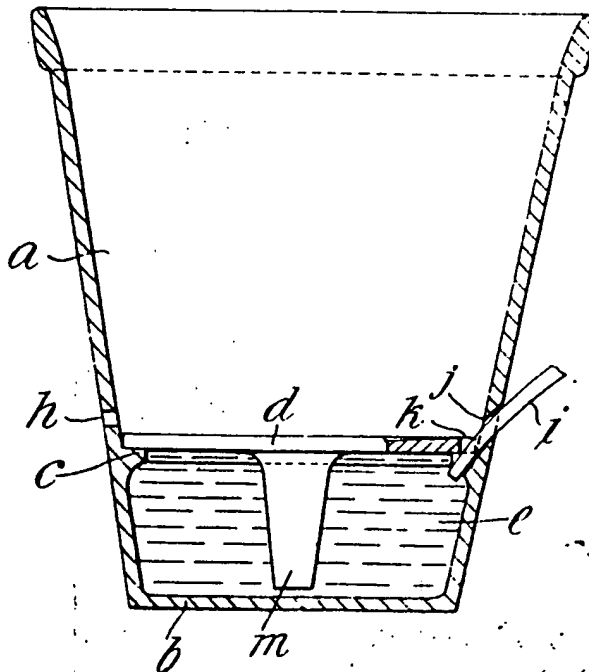


Fig. 3.



N<sup>o</sup> 22,647



A.D. 1912

Date of Application, No. 22,647, 4th Oct., 1912

" " No. 23,766, 17th Oct., 1912

Complete Specification Left, 17th Mar., 1913

(Section 15 of the Patents and Designs Act, 1907.)

Complete Specification Accepted, 25th Aug., 1913

PROVISIONAL SPECIFICATION.

No. 22,647, A.D. 1912.

**An Improved Flower Pot or similar Vessel.**

I, ELIZA HALL, Widow, of The Hollies, Coombe Lane, Cottenham Park, Wimbledon, Surrey, do hereby declare the nature of this invention to be as follows:—

My improved flower pot or similar vessel is formed or provided with a jacket  
5 at the bottom or side to constitute a water space, the water passing thereinto through a pipe or passage communicating from the top of the pot or vessel through the side or wall thereof into the said jacket or space. The interior of the pot may be perforated, or the porous nature of same will permit the moisture to penetrate to the roots of the flower or plant.

10 Dated the 4th day of October, 1912.

ELIZA HALL.

PROVISIONAL SPECIFICATION.

No. 23,766, A.D. 1912.

**An Improved Flower Pot or similar Vessel.**

15 I, ELIZA HALL, Widow, of The Hollies, Coombe Lane, Cottenham Park, Wimbledon, London, S.W., do hereby declare the nature of this invention to be as follows:—

My invention relates to pots or vessels for growing plants and has connection with the invention in my prior Application for Patent No. 22,647, dated  
20 4th October 1912.

The primary object of my invention is to produce a flower or plant pot such that a reserve reservoir or supply of water is contained within the pot or vessel in such a way that the moisture is attracted and conveyed to the roots of the plant so as to materially increase and nourish the growth.

25 The pot or vessel may be of the usual tapering variety. At a short distance from the bottom I form same with an interiorly projecting flange or lugs. A plate, disc or false bottom rests upon the flange or lugs aforesaid so that a water space or reservoir between it and the bottom of the pot is provided communicating with the exterior of the pot by a pipe or channel in or adjacent  
30 to the body of the pot in conjunction with a suitable opening or openings for

[Perf. S.A.]



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No. 22,647.—A.D. 1912.

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*An Improved Flower Pot or similar Vessel.*

the pot and such notch from above to below the false bottom. The invention also differs from the second mentioned arrangement specified above in that the false bottom or plate is loose and rests upon flanges or projections, said plate or bottom being concave on its upper surface whilst the notch in said plate and bottom serves to align with the filling hole or channel in the pot, and also that air holes open to the atmosphere are formed in the pot.

Practical ways of carrying out the invention are illustrated by the accompanying sheet of drawings in which:

Figure 1 is a vertical section;

Figure 2 is a perspective view of a plate, disc or false bottom;

Figure 3 a vertical section of a modified form of Figure 1.

The pot or vessel *a* may be of the usual tapering variety. At a suitable distance from the bottom *b* I form same with an interiorly projecting flange, lip or lugs *c*. A plate, disc or false bottom *d* shown separate in Figure 2 rests upon the flange, lip or lugs *c* and so that a water space or reservoir *e* exists between it and the bottom of the pot *a*, provided communicating with the exterior or mouth of the pot by a pipe or channel *f*. Figure 1—in or adjacent to the body of the pot in conjunction with a suitable opening or openings *g* for filling purposes. Apertures *h* are formed in the wall of the pot to admit air. In the arrangement shown in Figure 3, the channel *f* is dispensed with, lessening the cost of production, and the reservoir *e* filled by pouring water, preferably by means of a can spout *i* through an opening *j* formed at or about the level of the top of the false bottom *d*, which bottom *d* is formed with a notch *k* for the passage of the can spout or water, said notch *k* in the false bottom serving in Figure 1 to pass over the channel *f*.

The plate, disc or false bottom *d* on and above which the mould and roots of the plant are carried is concave on its upper surface and is of such a porous nature that by means of a leg or suitable medium *m* (forming part of or separate from the false bottom *d*) depending therefrom and which may or may not rest upon the inside of the bottom of the pot the water is absorbed and induced upwards thereby from the reservoir so as to nourish the plant. The exterior or interior of the lower portion of the pot may be glazed or otherwise treated to prevent evaporation and conserve the moisture.

It forms a special feature of my invention that the false bottom *d* with its depending leg *m* or equivalent means for attracting up the moisture to the plant is of a more porous nature than the material of which the pot is made and that the porosity of this false bottom and its attracting medium will vary in proportion to the character of the plant for which the pot is intended: for instance, if the plant is one that requires much moisture then the false bottom will be exceedingly porous, and if the plant requires less moisture then the porosity of the false bottom will be correspondingly decreased.

Having now particularly described and ascertained the nature of my said invention and in what manner the same is to be performed, I declare that what I claim is:—

1. In flower pots and similar vessels of the type set forth, a concave upper surface to the false bottom or plate thereof, a notched edge to said plate or false bottom to permit the filling of the reservoir formed underneath the plate or false bottom and air holes open to the atmosphere in said pot located just above said plate or false bottom substantially as herein described.

2. In flower pots as claimed in Claim 1, a channel extending from the mouth of the pot in the wall thereof, to below the plate or false bottom and passing through the notch of the false bottom or plate, substantially as herein described.

3. The flower pot constructed substantially as shown in Figures 1 and 2 of the accompanying drawings.

4. In flower pots as claimed in Claim 1, a notch to said plate or false bottom

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A.D. 1912. Oct. 1912.  
HAI No 22,647.—A.D. 1912.

*An Improved Flower Pot or similar Vessel.*

to align with a hole in the pot above the false bottom for filling purposes, substantially as herein described.

5. The flower pot constructed substantially as shown in Figures 2 and 3 of the accompanying drawings.

6. Flower pots constructed in accordance with any of the preceding claims characterised in that the plate or false bottom and its leg are formed of a material more porous than that of which the pot is made, the porosity of said plate or false bottom being varied to suit the character of the plants, substantially as herein described.

Dated this 17th day of March, 1913.

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